IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.18843 of 2006

Dated: September 13, 2006

Between:

P. Subbareddy, S/o. Ramachandra Reddy, Hindu,
Aged about 40 years, Occ: Constable (CISF)
Code No.854509847, R/o. Kothapally,
Tirupathi, Chittoor District.

… Petitioner

And

Dy. Inspector General (South Zone), Central Industrial Security Force, Rajaji Bhawan, Pasanth Nagar, Chennai
And others.

… Respondents

Order:

This writ petition has been filed seeking Mandamus to declare proceedings E 38014/01/TAP/2006/3204 dated 01-09-2006 and consequential proceedings E 37017/07 TAP/2006-3205 dated 01-09-2006 of the respondents as arbitrary and illegal.

2. The petitioner, who was appointed as Constable in the Central Industrial Security Force in 1985 and posted at Zaria, worked at

various places and has been working at CISF, APSU, Tirupathi Airport from August, 2004. It is stated that the respondents, by the impugned proceedings, transferred him from his present place of work, i.e. from Tirupathi Airport to CISF Unit Oil – Duliazan. He questions the impugned proceedings mainly on two grounds. One is that, if he is transferred from Tirupathi, the studies of his children, who are studying at Tirupathi, would be disturbed as they are in the middle of the academic year. Another ground is that when he made an application dated
28-07-2006 to the first respondent submitting his voluntary retirement under Voluntary Retirement Scheme, which was sent to the second respondent for his approval, and when the same is pending consideration, the impugned proceedings could not have been issued, transferring his services.

3. Heard learned counsel for the petitioner, Mr. A. Rajasekhara and Mr. Bathula Rajkiran for the respondents.

4. Merely because an application seeking voluntary retirement has been filed by the petitioner and his children are studying in the schools where he is presently employed, that by itself does not confer any right on the petitioner to demand that he should not be transferred pending acceptance of his application for voluntary retirement. It is for the authorities concerned either to accept or to reject the application for voluntary retirement. Therefore, if the employee has any grievance, it is for him to make a representation to his employer seeking retention of his services till the end of the academic year, but the order of transfer cannot be invalidated under a petition filed under Article 226 of the Constitution of India.

5. In the circumstances, the writ petition is disposed of permitting the petitioner to make a representation to the respondents, seeking retention of his services at the old station, within a period of one week, setting out the grounds as stated by him in the affidavit filed in support of this writ petition. On such representation being made, the respondents shall consider the same and pass appropriate orders. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

September 13, 2006
Note: Furnish copy in two days
B/o
MRR